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District Attorney's Office Declines to File Criminal Charges Against Former California Highway Patrol Officer

The Los Angeles County District Attorney's Office (LADA) today announced that criminal charges will not be filed against the former California Highway Patrol (CHP) officer who encountered a transient mentally ill woman on Interstate 10 on July 1, 2014.

"Based upon the facts presented, there was a lawful necessity for (Officer Daniel) Andrew to use force to prevent (Marlene) Pinnock from entering the lanes of traffic and there is insufficient evidence to prove beyond a reasonable doubt that the force he used was unreasonable or excessive," according to the 30-page Charge Evaluation Worksheet, dated Dec. 3, 2015. The document is attached.

This incident drew attention when a 42-second video of the nine-minute encounter between the officer and Ms. Pinnock on the freeway went viral. While the images contained in the video may have been unsettling to watch, the recording does not capture the series of events leading up to Pinnock's detention and represents just one piece of evidence collected and reviewed in the LADA's extensive and independent investigation.

LADA prosecutors and investigators also relied on medical records, eyewitness accounts, recordings of 911 calls and multiple patrol car dash camera videos of the incident. The incident began at 7:11 p.m. with the first 911 call of a pedestrian walking on or adjacent to the freeway to Ms. Pinnock's admission to Los Angeles County Medical Center at approximately 9:30 that night. Summaries of that evidence are included in the attached document.

"When looking at all of the evidence, and especially the medical reports and eyewitness accounts, it becomes exceedingly clear that the officer, who was alone and struggling with Ms. Pinnock precariously close to evening freeway traffic, acted within the law," District Attorney Jackie Lacey said.

"In our analysis, his use of force was legal and necessary to protect not only his own life but also that of Ms. Pinnock," District Attorney Lacey said.

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The District Attorney pointed out that the officer also had a sworn duty to protect commuters from a potentially dangerous situation had Ms. Pinnock gotten away from him and walked onto the freeway.

"Under these circumstances, his use of force was proportionate with the threat he encountered and the training he received from CHP," she said.

"Fortunately, neither the officer nor Ms. Pinnock were seriously injured," District Attorney Lacey said. "As this matter comes to a close, it is my hope that Ms. Pinnock is finally able to get the long-term care she needs."

As part of the investigation, several civilian eyewitnesses were interviewed. Four of them contacted or attempted to contact authorities on their own after seeing the 42-second video to defend the officer's actions. Three eyewitnesses said they saw Ms. Pinnock strike the officer; four of them said they thought the officer was trying to save Ms. Pinnock from wandering into freeway traffic and being killed or injured.

LADA hired an independent use of force expert, who found that the officer "reasonably acted according to CHP policy, CHP training, and the law during this difficult encounter with Ms. Pinnock."

The LADA Charge Evaluation Worksheet noted that in viewing the 42-second video in slow motion, "(m)ost of the strikes appear to contact (Ms.) Pinnock's right shoulder or upper body area," a conclusion that "is supported by medical records." That conclusion also is supported by the independent use of force expert retained by LADA.

Medical records, dated the same day as the incident, indicated that Ms. Pinnock had no abrasions, lacerations or bleeding underneath the skin. A week later, a CT scan noted no evidence of fracture or facial swelling.

The independent use of force expert found that "the absence of injury to Ms. Pinnock's head and face ... indicates that if any of the strikes hit her head, they were glancing, ineffective blows."

The LADA document concludes: "Given the rapidly evolving and challenging situation, the lack of additional officers on scene, (Ms.) Pinnock's failure to comply with Andrew's verbal commands, and (Ms.) Pinnock's physical resistance to Andrew's attempt to stop and detain her, there is insufficient evidence to prove beyond a reasonable doubt that the force he used was unreasonable or excessive."

The full text of the Charge Evaluation Worksheet may be read on the District Attorney's website at <http://da.lacounty.gov/sites/default/files/pdf/120315-CHP-Charge-Evaluation.pdf>.

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About the Los Angeles County District Attorney's Office

Los Angeles County District Attorney Jackie Lacey leads the largest local prosecutorial office in the nation. Her staff of nearly 1,000 attorneys, 300 investigators and 800 support staff members is dedicated to seeking justice for victims of crime and enhancing public safety. Last year, the [Los Angeles County District Attorney's Office](#) prosecuted more than 71,000 felony defendants and nearly 112,000 misdemeanor defendants.